

sf

**Notice of Allowability**

Application No.

10/036,622

Applicant(s)

RASHID ET AL.

Examiner

Michael J. Moore, Jr.

Art Unit

2616

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 8/17/06 as well as the Terminal Disclaimer filed 10/30/06.
2. ☒ The allowed claim(s) is/are 39-66,68,69 and 71-79 (renumbered 1-39, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

On page 2, in the "CROSS-REFERENCE TO RELATED APPLICATIONS" section, after "U.S. Patent Application Serial Number 10/036,603, filed December 21, 2001", insert --now U.S. Patent Number 7,065,090--.

On page 2, in the "CROSS-REFERENCE TO RELATED APPLICATIONS" section, after "U.S. Patent Application Serial Number 10/036,602, filed December 21, 2001", insert --now U.S. Patent Number 7,103,058--.

On page 2, in the "CROSS-REFERENCE TO RELATED APPLICATIONS" section, after "U.S. Patent Application Serial Number 10/036,595, filed December 21, 2001", insert --now U.S. Patent Number 7,123,585--.

On page 2, in the "CROSS-REFERENCE TO RELATED APPLICATIONS" section, after "U.S. Patent Application Serial Number 10/037,144, filed December 21, 2001", insert --now U.S. Patent Number 7,082,139--.

In the Claims:

In claim **69**, on line 9, replace the word "the" before the word "accept" with the word --to--.

***Terminal Disclaimer***

2. The terminal disclaimer filed on 10/30/06 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7,082,139 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted on 7/15/05, 1/26/06, and 8/17/06 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

***Allowable Subject Matter***

4. Claims **39-66, 68, 69, and 71-79** (*renumbered 1-39, respectively*) are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding *amended* claims **39, 46, 50, and 58**, these claims are now allowable for the reasons indicated in the previous Office Action pertaining to claim **70**.

Regarding claims **40-45, 47-49, 51-57, 59-66, and 68**, these claims are further limiting to allowable claims **39, 46, 50, and 58** and are thus also allowable over the prior art of record.

Regarding *amended* claim **69**, this claim is now allowable, as it has been rewritten in independent form including all of the limitations of base claim **58** and intervening claim **67**.

Regarding *amended* claim **71**, this claim is now allowable for the reasons indicated in the previous Office Action pertaining to claim **69**.

Regarding claims **72-79**, these claims are further limiting to allowable claim **71** and are thus also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:00am - 4:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjm MM

Michael J. Moore, Jr.

Examiner

Art Unit 2616

SEEMA S. RAO

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2600

*Seema S. Rao*  
11/8/06